

EXHIBIT “D”

2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 ----- x
5 ALEX HOLMES, et al.,

6 Plaintiffs, Case No.:
7 7:20-cv-0448-UA

8 -against-

9 CHET MINING CO., LLC, et al.,

10 Defendants.

11 ----- x
12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF NEW YORK

14 ----- x
15 ANDREW SCHWARTZBERG,

16 Plaintiff, Case No.:
17 1:20-cv-01880

18 -against-

19 CHET MINING CO., LLC, et al.,

20 Defendants.

21 ----- x
22 **CERTIFICATE OF NONAPPEARANCE** in the
23 above-entitled actions, taken before Stephen
P. Sudano, a shorthand reporter and Notary
Public within and for the State of New York.

WITNESS: **CHET STOJANOVICH**
(Defendant)

PURSUANT TO: Subpoena

DATE: March 29, 2021

TIME: 11:30 a.m. - 11:31 a.m.

HELD: Videoconference

A P P E A R A N C E S:

E. STEWART JONES, HACKER, MURPHY, LLP
Attorneys for Plaintiff
200 Harborside Drive, Suite 300
Schenectady, New York 12305
(518) 213-01125

BY: JOHN F. HARWICK, ESQ.
jharwick@joneshacker.com

1 CERTIFICATE of NONAPPEARANCE

2 MR. HARWICK: This is John
3 Harwick, E. Stewart Jones, Hacker,
4 Murphy, LLP, for the plaintiffs and
5 judgment creditors in this deposition,
6 which was scheduled for today pursuant
7 to subpoenas that were served on Chet
8 Stojanovich and his companies in this
9 action seeking information to collect
10 the money judgments that have been
11 entered in favor of the plaintiffs and
12 against Mr. Stojanovich and his
13 companies.

14 I have attempted to confirm
15 several times with Mr. Stojanovich the
16 date and time of this deposition. I
17 tried calling him earlier this morning
18 on his cell phone number,
19 (310)824-3903, which apparently is not
20 receiving calls. I also texted him at
21 that same number reminding him of the
22 deposition. We also emailed him on
23 Friday reminding him of the deposition,

1 CERTIFICATE of NONAPPEARANCE

2 which was set to commence today at

3 11:00 a.m. Eastern Standard Time.

4 It's now 11:30 a.m., and

5 Mr. Stojanovich has not appeared or

6 called to request an adjournment.

7 So in light of the foregoing, we

8 are going to mark this as a no-show,

9 and we will be making a motion for

10 civil and/or criminal contempt of court

11 in both actions forthwith.

12 Thank you. I would like an email

13 copy, only. I don't need a hard copy.

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1 CERTIFICATE of NONAPPEARANCE

2 C E R T I F I C A T E

3 I, STEPHEN P. SUDANO, a Stenotype
4 Shorthand Reporter and Notary Public in and
5 for the State of New York, do hereby certify
6 that the foregoing is a true and accurate
7 transcription of my stenographic notes.

8 I further certify that I am not employed
9 by nor related to any party in this action.

10 IN WITNESS WHEREOF, I have hereunto set
11 my hand this 29th day of March 2021.

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16 _____
17 STEPHEN P. SUDANO
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